

Atty. Dkt.: 073169-0261847

REMARKS

Applicant respectfully requests reconsideration and allowance in view of the foregoing amendments and following remarks. In the Office Action, mailed September 24, 2002, the Examiner rejected claims 1-29. By this amendment, claims 1-7, 10-12, 14-19 and 23-29 have been amended. Following entry of these amendments, claims 1-29 will be pending in the application.

Claims Rejections under 35 U.S.C. §112 second paragraph

Claims 1-29 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses the rejections.

A rejection under 35 U.S.C. §112, second paragraph, is not appropriate when "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576 (Fed. Cir. 1986).

While Applicant believes the Examiner's indefiniteness rejections of claims 1-29 are without merit, the rejections have been rendered moot by Applicant's claim amendments. Applicant has amended the claims by deleting the phrase "high-speed RF" and replacing it with the word --wireless--. This amendment is supported throughout Applicant's specification, and in particular at page 9, last two lines and continuing onto the top of page 10.

Therefore, the §112, second paragraph, rejections of claims 1-29 should be withdrawn.

Claim Rejections under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 1-29 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,374,952 to Flohr (hereinafter "Flohr"). Applicant respectfully traverses the rejections of claims 1-29 and sets forth for the Examiner the following standards for a proper §103(a) rejection.

A §103(a), or obviousness, rejection is proper only when “the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time of the invention was made to a person having ordinary skill in the art to which the subject matter pertains.” 35 U.S.C. §103(a). The Examiner must make out a *prima facie* case for obviousness. The *en banc* Federal Circuit has held that “structural similarity between claimed and prior art subject matter, proved by combining references or otherwise, where the prior art gives reason or motivation to make the claimed compositions, creates a *prima facie* case of obviousness.” *In re Dillon*, 16 U.S.P.Q. 2d 1897, 1901 (CAFC 1990). The underlying inquiries into the validity of an obvious rejection are: “(1) the scope and content of the prior art; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness.” *In re Dembiczak*, 175 F.3d 994, 998, (Fed. Cir. 1999).

Further, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990). Likewise, if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984).

Additionally, with hindsight, a claim of obviousness can be an easy one to make. Many inventions seem obvious with the clarity of 20-20 hindsight. However, a hindsight basis for obviousness is inappropriate and cannot sustain a *prima facie* case of obviousness. Applicant’s respectfully assert that the Examiner is judging obviousness of Applicant’s invention using hindsight, and as such, should reconsider the rejections from the proper perspective of the time of Applicant’s invention, without the teachings of Applicant’s disclosure.

Independent Claims 1, 10 and 14

For the reasons stated below and taking into consideration the standards for obviousness presented above, Applicant asserts that one of ordinary skill in the art would not have considered Applicant’s invention obvious at the time of invention and, therefore, that Applicant’s rejected independent claims 1, 10 and 14 are not obvious over the prior art of record.

Applicant's independent claims 1, 10 and 14 share common elements that distinguish each from the cited prior art. Specifically, independent claims 1, 10 and 14, as amended, recite communications and data display systems and method that include a projection system with a wireless interface and a controller, a data appliance with a wireless interface, and graphical data transfer between the two wireless interfaces that is controlled by the controller.

Flohr neither discloses nor suggests communications and data display systems and method as required by amended independent claims 1, 10 and 14. In asserting obviousness of the invention as claimed in independent claims 1, 10 and 14, the Examiner refers to Figure 1 of Flohr. Figure 1 of Flohr illustrates the wired videoconference system. Flohr does not disclose or suggest the subject matter of amended independent claims 1, 10 and 14 for at least the following reasons.

In Flohr, the videoconference system is described in terms of two local area networks (LANs), the A-LAN that performs data message signaling for the videoconference and the B-LAN that is used for broadcasting the videoconference television signals. To accommodate the necessary bandwidth of the A-LAN and B-LAN, the Flohr system uses cabling between all of the devices connected to the system. Nowhere does Flohr suggest or even contemplate the wireless transmissions of Applicant's invention. In contrast, the present invention discloses wireless communications between the projection system of the data display system and the participant data appliances, with which the projection system communicates.

Further, in Flohr, the Examiner alleges that adding a projection system to the Flohr system would have been obvious to replace the PC monitors. However, this combination is not motivated by the teachings of Flohr. In fact, this combination would render the Flohr system inoperable for its intended use; that use being to allow individuals sitting at their individual PC or workstation to participate in a videoconference without having to be in the same conference room, so long as the conferees are connected, or interconnected, to the Flohr A-LAN and B-LAN.

In view of the above remarks, Applicant requests the withdrawal and reconsideration of the claim rejections for claims 1, 10 and 14. Applicant respectfully submits that independent claims 1, 10 and 14 are in a condition for allowance.

Dependent Claims 2-9, 11-13 and 14-29

Dependent claims 2-9, 11-13 and 14-29 each ultimately depend from one of amended independent claims 1, 10 and 14. The allowability of dependent claims 2-9, 11-13 and 14-29 thus follows from the allowability of independent claims 1, 10 and 14; as such, dependent claims 2-9, 11-13 and 14-29 are allowable over the art of record.

Additionally, Applicant traverses particular rejections to dependent claims 2-9, 11-13 and 14-29 as follows.

In considering claims 2-3, Flohr neither discloses nor suggests wireless inter-communication between multiple participant data appliances and between the projection system and the multiple participant data appliances.

In considering claims 4-5, Flohr neither discloses nor suggests multiple participant data appliances communicating with an outside network by first using wireless communication to the projection system and then, second, having the projection system using wired communication to the outside network.

In considering claims 6 and 11, Flohr neither discloses nor suggests wireless communications between participant data appliances and the projection system using the enumerated data appliance components and in the manner claimed in the present invention.

In considering claims 7-9 and 12-13, Flohr neither discloses nor suggests wireless communications between participant data appliances and the projection system using the graphics converter and projector claimed in the present invention.

In considering claims 15-19, Flohr neither discloses nor suggests wireless inter-communication between multiple participant data appliances and between the projection system and the multiple participant data appliances. Further, Flohr neither discloses nor suggests multiple participant data appliances communicating with an outside network by first using wireless communication to the projection system and then, second, having the projection system using wired communication to the outside network.

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In considering claims 20-22, Flohr neither discloses nor suggests wireless communications between participant data appliances and the projection system using the graphics converter and projector claimed in the present invention.

In considering claims 23-29, Flohr neither discloses nor suggests wireless communications between participant data appliances and the projection system using the control data scheme claimed in the present invention.

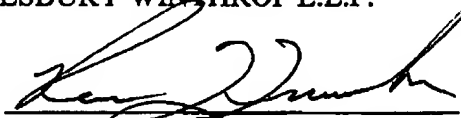
In summary, for at least these reasons, Applicant respectfully submits that dependent claims 2-9, 11-13 and 14-29 are in a condition for allowance.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition of allowance and a Notice to that effect is earnestly solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Charge Statement: The Commissioner is authorized to charge Deposit Account 03-3975, Order No. 073169-0261847, for any fees associated with this Communication, including excess claims fees and/or extension fees.

Respectfully submitted,
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